

**Andover Conservation Commission Meeting Minutes
November 1, 2011**

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:45pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Fran Fink, Commissioner Alix Driscoll, Commissioner Floyd Greenwood and Commissioner Kevin Porter. Staff Member present was Robert Douglas, Conservation Director.

SCHEDULED ITEMS:

18 River Road

Present in Interest: Richard Leung, Joe Wilkinson, Steve Ericksen, Blanche Fortuna, Bob Lavoie and Pamela Richardson

Staff Recommendation: Issue ORAD with restrictions

Public Hearing on an Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law to determine the accuracy of the bordering vegetated wetland.

Mr. Douglas presented this to the Commission. The Application is complete and no waivers are requested. The site is a single family lot surrounded by wetlands and is down gradient from "off-Webster" Street property we have seen in the past. The lot is surrounded by intermittent stream systems. The Western tributary is pictured on the plan with the 9A to 23A flag series. The stream on this side flows into a culvert or subterranean pipe and flows across the property to the unnamed and unnumbered wetland on the East side of the property. The culvert is not pictured or noted on the plan submitted. A site walk was done with Steve Ericksen and Flag 23A was moved 6 feet upgradient. Flags 1A through 24A are accurate with the exception of Flag 23A, which has been moved upgradient.

Commissioner Fink conducted a site walk as well and found the whole wetland south of the house was ponded and flowing through a channel flowing toward the wetland. The ponded area south of the lot could be a vernal pool. There was a wetland at the top of the hill and another at the bottom of the hill. The plan submitted needs to topographically show the wetland connection to the east side of the property. The pipe could be located north of Flags 1-9 due to wetland indicator plants seen. Commissioner Fink also inquired if any soil testing was done. She would like to see the connections of the wetlands on the plan as well as all the wetlands that would throw buffer onto the lot noted on the plan as well. The North wetland was not flagged, but was shown on the plan which would throw further buffer onto the lot.

Mr. Ericksen addressed the Commission. The upgradient flags are on another person's property, which is why the North wetland is not flagged. He believes it is evident where the clay pipe is running even though we cannot see the inlet or outlet. Upon construction the clay pipe will be identified as well as all the wetlands. He is only asking the Commission to confirm Flags 1A through 24A, which is the line along the stream channel and it is a clear line.

Chairman Cooper asked if the Commission wanted specific wetlands delineated even though the Commission had only been asked to approve what is on the plan. Any other wetlands and/or changes would come back before the Commission with the construction plan.

Attorney Bob Lavoie, who is representing Grace Point Community Church, advised the Commission that the intended use of the property is for a Church. The potential buyers need to know the exact site constraints in order to enter into the Purchase and Sale Agreement. If they move forward with the purchase of the property, they will come back before the Commission with a full Order of Conditions.

The issues before the Commission are:

1. Is the Commission satisfied with the numbered line on the plan or do they want more information?
2. Does the Commission need to know where the pipe is located?

Chairman Cooper is concerned with how the pipe connects at the top of the wetland.

Mr. Douglas reminded the Commission that they are not ruling on the wetlands or the location of the pipe, they will be dealt with at a later date. They are only asked to rule on Flags 1A through 24A. Are they in the right place regardless of where the pipe is?

Commissioner Fink stated that Flags 14A -24A show water flowing in a stream, and then the stream disappears at Flag 24A. The BVW connects on both sides of the house and but there are no flags on 14 River Road indicating this.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a motion to confirm Flags 1A through 24A with Flag 23A moved 6 feet upgradient as amended, it was seconded by Commissioner Porter and approved by a vote of 5-1 with Commissioner Driscoll opposed.

The applicant then requested this be continued to November 15, 2011. Commissioner Greenwood made a Motion to continue to November 15, 2011, it was seconded by Vice Chairman Walsh and unanimously approved.

2 Porter Road

Lot 1 and 2

Present in Interest: Frederick Gieisel, Tom Patenaude and Barry Sullivan

Staff Recommendation: Close the public hearing and issue the OOC at next meeting.

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for construction of single family homes and associated utilities.

Mr. Douglas presented this to the Commission. This was continued from October 4, 2011 for purposes of a revised plan to be submitted. The Applicant has revised the plan and materials per the Commission's recommendations as follows:

1. Narrative Report filed October 14, 2011;
2. Wetland flags have been refreshed and surveyed;
3. The detail maps have been corrected;
4. Haybale line has been connected;
5. No disturb markers shown at 25 foot line in perpetuity;

The new plan is in 30 scale, not 20 scale to allow both properties to be displayed on one plan without the loss of detail. This was OK'd by staff. Trees 10 inches in diameter or larger and any trees to be removed are on the plan as well.

The position of the buildings has not changed and there is no work proposed within the 50 foot no disturb. One house will be 70 feet from the wetland and the other will be 67 feet from the wetland. The soil storage area will be between the 2 buildings and outside the 100 foot buffer.

The Commission asked for clarification of one point in the narrative report. The narrative states "At minimum a 50 foot + undisturbed area within the Bufferzone will be maintained". The no disturb markers are placed at the 25 foot line in perpetuity.

Commissioner Fink inquired as to the separation for the leaching field. There must be 2 feet of separation from the water table for the leaching field.

Commissioner Driscoll acknowledged a house being built outside the 100 foot buffer, which is not part of this application, but questioned if any additional clearing would contribute to runoff along the driveway. The groundwater will be recharged and there is a catch basin leading to a drywell at the bottom of the driveway. The grading in the driveway will be towards the drywell so the water runs off towards the drywell. In between the houses is a natural swale which will capture excess runoff from the driveway and the soils around the driveway are very absorbent.

There is abutter concern regarding the wetlands already showing signs of stress and asking the project be scaled back with smaller houses. The project meets or exceeds our normal setbacks for a single family home.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to close the public hearing and issue the Order of conditions at the next meeting, it was seconded by Commissioner Porter and unanimously approved.

Merrimack College

Present in Interest: Jeff Doggett; Bob Coppola; Donald Johnson; and Mrs. Lloyd

Staff Recommendation: Continue to date uncertain.

Public Hearing for a Request for an Amended Order of Conditions filed under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed expansion of the Volpe Athletic Center, installation of additional parking and storm water management improvements and to track the remaining storm water peak flow credits that were banked through construction of the football field.

Mr. Douglas presented this to the Commission. Merrimack College put in an oversized detention pond at the very beginning of the construction projects to give them credits to draw on for future projects. Mr. Doggett presented the proposed expansion plans to the Commission. A portion of the project is in North Andover. The expansion will include a second sheet of ice with 300 bench seats for practice use, a new Sports Medicine facility to allow the program to be accredited and a small parking area. The roof drainage will be infiltrated by rain gardens and swales to keep the runoff on the North Andover side of the property. There will be utility work.

Donald Johnson, an abutter, expressed his concern with the runoff and asked if the detention pond closest to the football field had ever been filled. Mr. Doggett explained that the dry detention pond near the football field had in fact been filled.

Commission Porter discussed the discharge rate tables. All of the runoff ends up in the detention basin closest to the football field through different systems, both preconstruction and post construction. Are the net discharges more or less post construction? He would like to see the existing conditions with the 2 to 3 wetland areas entering the detention basin as well as the proposed conditions with the 5 wetland areas entering the detention basin.

Commission Greenwood stated that the rain gardens should have 9-12 inches of storage with a soil mix and plantings so the water will slowly drain. Mr. Doggett informed the Commission that there is not 9-12 inches of storage for the rain gardens, but any runoff from the water gardens will be on the North Andover side of the project.

Commissioner Fink stated that C and D soils do not infiltrate well and asked exactly what the water table is for the rain gardens. North Andover has requested an underdrain to draw the water out. She was also concerned with the salt and sand from the vehicles and parking lot will run directly into the wetland without treatment. Commissioner Fink requested there be soils testing done and to determine the possibility of angling the parking lot so the runoff is towards the football field instead of the wetlands. She also informed the Applicant that the state has changed the stormwater management standards since the oversized detention pond was installed. She would like to see the drainage calculations using the old numbers, but as the College gets close to the ultimate buildout,

the new standards should be used. The applicant submits an As-Built for each project as it is completed so that staff can also be aware of the credits available.

The existing Order of Conditions is still active as no Certificate of Compliance has been issued. The Order of Conditions has been extended, so it can be Amended. It is due to be extended in December, 2011.

The building footprint cannot be taller than 40 feet, but cannot be made smaller, as that would not accommodate the expansion needed. The tennis court will be removed and replanted. The Commission would like to see the planting plan for the tennis court area.

There will be an increase in the drainage pipe size going into the football field. The water will get there quicker, but it will not change the detention pond due to the capacity of the detention pond.

Mr. Douglas agreed to follow up with notification of neighbors along the stream from Elm Street to High Street.

Mrs. Lloyd, an abutter, informed the Commission that the water table changed after the installation of the football field and now she has a sump pump in her cellar. She is also concerned with the increase in impervious area with the additional parking spaces.

The issues are:

1. verify how much extra water there will be post construction;
2. recheck balance of stormwater banking system;
3. conduct peer review possibly done by Paul Finger;
4. conduct a site walk; and
5. infiltrate more water on the site.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to continue to a date uncertain for peer review and site walk, it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

40 Juniper Road

Issuance of Notification of Satisfactory Completion of Work Certificate.

446 South Main Street

Issuance of Notification of Satisfactory Completion of Work Certificate

Minutes

Approval of Minutes from meetings of October 4, 2011 and October 15, 2011.

Commissioner Fink requested changes to 197 Andover Street to insert DEP Regulations determine setback for infiltration trench and Newport Circle to correct the motion to issue the Enforcement Order and begin fines if plan not submitted by November 4, 2011.

Vice Chairman Walsh made a Motion to Approve the Consent Agenda, with the minutes as amended, it was seconded by Commissioner Porter and unanimously approved.

DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

Boy Scout Troop 77

Present in Interest: Richard Leung and Robert DeCelle

Richard Leung of Boy Scout Troop 77 presented his Eagle Scout Project which consists of replacing a 100' rotted board walk at the end of the cul de sac on Rachel Road. He will be using tire rims to support the boardwalk and all materials will be donated. Other members of Troops 79 and 76 will be assisting with the construction of the project. Commissioner Greenwood asked that the sawdust and wood chips be contained by cutting on top of a tarp and carrying them out. Richard stated that he will be cutting and building on the street and carrying the pieces in.

Commissioner Driscoll made a Motion to Approve the project, it was seconded by Commissioner Greenwood and unanimously approved.

7 Dascomb Road

Ratify Issuance of Emergency Certification Breach of Beaver Dam.

Vice Chairman Walsh made a Motion to Approve, it was seconded by Commissioner Driscoll and unanimously approved.

2 Brechin Terrace & 30 Shawsheen Road

Ratify Issuance of Emergency Certification for Town DPW and Watson to repair broken pipe.

Vice Chairman Walsh made a Motion to Approve, it was seconded by Commissioner Greenwood and unanimously approved.

340 Salem Street

Request for Winter Cessation of Inspections.

Commissioner Driscoll made a Motion to Approve, it was seconded by Vice Chairman Walsh and unanimously approved.

The next meeting will be held December 15, 2011 at 7:45pm.

The meeting was adjourned at 10:03pm by Motion of Commissioner Greenwood, seconded by Vice Chairman Walsh and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**